

City of Eugene HUMAN RIGHTS COMMISSION



The mission of the Human Rights Commission is to promote implementation of universal human rights values and principles in all City of Eugene programs and throughout the wider community.

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Human Rights Commissioners: Toni Gyatso, Chair, Andrew Thomson Vice Chair, Iva Boslough, Greg Evans, Denise Griewisch, Linda Hamilton, Ken Neubeck, Chris Nunes, Richie Weinman

Equity and Human Rights Center staff: Lindsey Foltz, Erica Abbe, Lorna Flormoe, Karina Fon, Francisca Leyva Johnson, Michael Kinnison

The Human Rights Commission meets on the third Tuesday of each month.

Tuesday, March 19, 2013

5:30 – 8:30 PM Meeting

Sloat Room, Atrium Building, 99 W 10th Street

Contact: Lindsey Foltz, 541-682-5619, lindsey.m.foltz@ci.eugene.or.us

ITEM

TIME ON TASK (Starting)

- | | | |
|-------------------------------------------------------------------------------|------|-------------------|
| 1. Chair Welcome | | 5 min. (5:30 pm) |
| 2. Public Comment | | 10 min.(5:35 pm) |
| 3. Agenda Review and Adjustment | VOTE | 3 min (5:45 pm) |
| 4. Minutes Approval | VOTE | 2 min. (5:48 pm) |
| 5. Funding Request | VOTE | 10 min. (5:50 pm) |
| 6. Transgender Health Care Petition
Presenter: Seda Collier | VOTE | 15 min. (6:00 pm) |
| 7. Transgender Equity and Inclusion Ordinance
Presenter: Allison Cleveland | | 20 min. (6:15 pm) |
| 8. Break | | 15 min. (6:35 pm) |
| 9. Beyond Toxics: Environmental Justice Project
Presenter: Alison Guzman | | 25 min. (6:50 pm) |

10. Staff Update	20 min. (7:15 pm)
11. HRC Application Review	10 min. (7:35 pm)
12. Commissioner Update	30 min. (7:45 pm)
13. Councilor Evans Update	10 min. (8:15 pm)
14. Check-Out	5 min. (8:25 pm)

Upcoming Events, activities or meetings the HRC needs to be aware of:

League of United Latin American Citizens (LULAC) Breakfast: Wednesday March 20, 8- 10 am
Valley River Inn, (541) 743-1000

Human Rights Commission Meeting: Tuesday, April 16, 2013, 5:30 pm, Sloat Room, Atrium

The Eugene Human Rights Commission welcomes your interest in these agenda items. This meeting location is wheelchair accessible. For the hearing impaired, FM-assistive listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact staff at 682-5177.

La Comisión de Derechos Humanos agradece su interés por participar en los asuntos de esta agenda. El local de la reunión tiene acceso para personas en silla de ruedas. Para las personas con dificultades auditivas ofrecemos sistemas FM para ayudarlo a escuchar, o intérpretes de lenguaje de señas. También ofrecemos intérpretes de español. Si necesita cualquiera de estos servicios por favor solicítelos con 48 horas de anticipación, llamando al (541) 682-5177.

MINUTES

Eugene Human Rights Commission
Sloat Room—99 West 10th Avenue
Eugene, Oregon

January 15, 2013
5:30 p.m.

PRESENT: Toni Gyatso, Chair, Ken Neubeck, Vice Chair; Iva Boslough, Linda Hamilton, Chris Nunes, Andrew Thomson, Richie Weinman, commissioners; Michael Kinnison, Lindsey Foltz, Lorna Flormoe, City Manager's Office Staff

ABSENT: Lorraine Kerwood commissioner.

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1. **Welcome from Chair – meeting commenced at 5:35**
2. **Staff Update: Mike Kinnison, Neighborhood Services Manager, interim Equity and Human Rights Manager**

Staffing changes: EHRC now includes the Public Service Officer, Karina Fon, who is a point of contact for the community, general inquiries come through that office, Francisca Leyva Johnson is also joining the Equity and Human Rights team
3. **Working Agreement Reading #6:** We will be transparent in our communications uphold public meeting and records laws and do our work in public.
4. **Open for Public Comments**

Michael Karrigan: Eugene Shelter Rights Organizer, CALC

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Michael Karrigan: Eugene Shelter Rights Organizer, CALC

Homeless Committee proposal comments, support proposed changes to proposal, Richie came to CALC and listened to concerns voiced in that meeting, and was responsive. Thanks to Richie for listening. We want to make sure that homeless populations are included in the group. There is incredible organizing being done by the unhoused. We really need them on this committee to have the committee reflect their good work.

Ally Valkerie

Comments are on homeless committee, wants it to be a commission, disappointed that it is not, nine member committee with no homeless representation, element of experience that will be lacking without their voice. I recommend 12 members, currently homeless person, a parent with a child experiencing homeless, a formerly homeless person, we can make recommendations for great possible participants. The scope of work was too vague, wants the committee to happen, not what I want it to be but with the participation with homeless could be better.

Jean Stacey

Thrilled that HRC is looking at a commission or committee, unhoused people need to be represented, wants to move toward commission versus committee. Divide recommendation number 2 into “prevent homelessness” and sort out the issue of “protecting rights”. Tickets are very expensive and are being issued for sleeping in parks, leaning on buildings, standing next to your bed roll, drinking from a glass bottle, etc. Eric Tars volunteered to do a free job and has not been taken up on it. Thrilled you are taking it seriously, thank you Richie for coming to the meeting and hearing from us.

Comment Submitted without Testimony

Walker T. Ryan

wtryan@gmail.com

Concerned about the need to fast track houseless issues for humanitarian reasons

5. Agenda

Richie moves to approve as is, Denise seconds, unanimous

6. Homelessness Committee Recommendations

Linda Hamilton

Motion: 11 member committee including representation from at least 2 people who are or have experienced being unhoused.

Richie Weinman

Second

Discussion

No limiting language, don't make limits of minimums or maximums for representation, being currently unhoused and previous experience both seem valuable

Motion stands:

Vote: unanimous yes

Meeting Frequency

Ken proposes biweekly meetings for the first 120 days and then at least nine times a year after that once per month while council is in session.

Richie second

Vote: Unanimous yes

Other Impacts: Human Rights Commission to discontinue Homelessness Work Group in favor of representation on collaboration with this committee.

Ken recommends that this item be pulled off the recommendations, and make the homelessness work group part of broader discussion during work planning of all the work groups

Richie is open to the idea but could go either way, seconds

Chris thinks that the work group should step back once the other group is up and running

Denise understands that once the commission is going there should be no duplication of work

Friendly amendment, let the group get up and running and then disband to make sure there is no duplication of work

Iva, capacity issues to keep all the bodies running and that its there to give the group the blessing of the HRC and let them go and let the HRC move on to other issues that aren't being worked on

Vote: Unanimous yes

Richie: move to approve with amendments, Chris Nunes seconds

Vote: Unanimous, yes

7. Washington Jefferson Park skate park presentation
Neil Bjorkland and Emily Proudfoot (City Staff)

Want to make the park safe and fun and effective for everyone, there are a constellation of issues putting a new use in that park.

Because it is covered and lit it will provide a year round recreation opportunity

1990 study also recommended Washington/Jefferson for a covered skate park

2006 petitions from skate community to locate in Washington/Jefferson

Public outreach conducted with help from consultant Dreamland

2010 safety strategy developed, not about keeping people from sleeping in the park, about criminal behavior

2013 in the middle of the 6 month fundraising campaign Eugene Parks Foundation, Eugene Downtown Rotary, LCHAY,

2013 summer construction, 2013 fall opening

ODOT owns the land and is enthusiastic, COE leases it from the State and is looking to establish new lease

Economic benefits

Safety improvements

Different skill levels of skaters

Public Safety Strategy came out of partner concern, included broad participation from differing view points

Park watch is a new EPD program, doing specifically targeted loops around parks where there tends to be high levels of criminal activity, this park will be added to that circuit

Sight lines were designed to improve safety, restroom improvements, access for emergency vehicles

Programming classes and events to keep activity level high

Volunteers is parks system, working towards developing neighborhood participation, graffiti abatement, picking up litter, etc. Lots of eyes on the park, keeping it positive.

Attracting vendors for food and skateboard equipment.

Outreach within 6-8 weeks a newsletter or postcard will be mailed out in Spanish and English to all residents and property owners in the area about what is happening in the skatepark with links and contact numbers. Include FAQ's etc.

Neil pulling together a staff group to talk about social issues and create a path forward for those concerns. In particular connecting with the Crossfire group so that service provision of meals is not interrupted. Temporary restrooms are also being considered during the construction phase.

Ken concerned about the illegal activities that are basic life sustaining activities and the differentiation. If the skate park is successful in changing the activities etc. where is this activity likely to shift?

Neil: some of the dynamics are understood, cover, proximity to river, connecting to 6th and 7th corridor, convenience store proximity. Differing opinions have been expressed, some will stay put, the first place is that they will move more toward the river corridor. The park system is going to be dealing with these issues regardless of this. It used to be that there were only a few parks affected by threatening activities, most parks now are affected.

The lay of the land has changed, less jail beds, less treatment, until these gaps are filled these issues will show up in the park.

Iva concerned about the term "unsavory element" they might be our friends, sisters, I would suggest that you would take that language out of the presentation.

Neil responded that "threatening criminal behavior" was the intent, not the unhoused, etc.

8. Commissioner Updates

Ken: IHRD went really well, about 125 people attend, good comments, 4 youth awards went out, thanks to staff

Chris: video was great, thanks to team that created the video and participants

Andrew: send link of video to him, at the Accessibility Advisory Group meeting, discussed disaster preparedness, particularly for vulnerable populations. Anyone who has ideas for strategies to help vulnerable populations during disasters can send recommendations to staff or Andrew to pass along

Iva: First Thursday of each month at noon, International Day of Peace Planning going on, encourage participation, thanks to those who participated

Linda: Diversity in the Workplace, Pioneer Pacific College presentation, they were really engaging, and another presentation at St. Peters their church was

talking about missions, they want to be more aware about racism, treat other people like you want to be treated. Police Commission has a big discussion coming up on Policy Screening Committee policy around asking for social security cards.

Denise: thanks for being patient while I recover

Richie: spoke to the HIV alliance today, spoke about the Human Rights Commission

Toni: gave out staff awards on December 10 at Public Works, which is a different venue than in the past. Videos shown. HRC IHRD was great with LCNII. Felt that the full commission support for events is really important to support each other.

9. Martin Luther King Jr. Award:

Toni motion that we will not accept the late ballots, Chris seconded, unanimously passed

Iva, is there only one award? I think there are both young people and adult who should be recognized. I think in the future we should consider doing both. Is it possible to do two?

Linda, considerations for time for acceptance speeches, etc.

Flag for future, consider youth award.

Emilio Hernandez, Carla Gary, Tom Ball chosen for award:

10. Chair Nominations, Liaison Assignments

Vice Chair: nominations Andrew Thomson, Linda Hamilton (declined)

Chair: nominations Toni

We affirm that Toni Gyatso will serve as our chair and Andrew Thomson will serve as our vice chair.

Liaison Assignments:

Accessibility Advisory Committee: Andrew Thomson

Police Commission: Linda Hamilton, Toni willing to be backup

Civilian Review Board: Denise Greiwisch

CDBG: Chris is primary Ken is backup

EHRB: Iva and Richie

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ABSENT: Iva Boslough, Linda Hamilton, Ken Neubeck, Commissioners

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1. Welcome from Chair – meeting commenced at 5:40

DPSZ Update – Toni serving on committee, send ideas or requests to her

Mayor/City Manager Update
Budget, DPSZ, Work Group Planning

Homelessness Committee – still waiting to hear on timing

Future Work Planning

2. Agenda Review/Adjust

3. Minutes Approval

No quorum, will revisit at next meeting

3. 2012 Hate and Bias Report

See report attached to packet
Sgt. David Natt, Lindsey Foltz

3. Budget 2014

Staff and Commissions not able to discuss or advocate positions on the ballot measure, email from City Attorney circulated.

Elected officials can advocate, but not in their role on boards or commissions

As a private citizen comment and advocacy is OK. Just not as a member of the HRC.

Budget Process – once the budget process starts after election HRC can comment.

Are people interested in considering another time for the meeting?

Richie moves to change meeting time until after election on May 21. Lorraine, seconds. Unanimously passed. Toni will send out a Doodle poll.

3. Council Liaison Updates

Welcome Councilor Greg Evans

Introduction: lived in Eugene for past 27 years. Human and Civil Rights interest. Worked extensively with NAACP. Work session will be coming up on camping in parks and ordinance to look at it to determine if the ordinance can be modified to make it a little more humane. He went out on a tour of homeless camps with public works. There are some ugly conditions out there that need remedy. We need to have a difficult conversation. Particularly now in the economic situation the City is in. Points out issues for transit dependent people and bills at the federal level. Many people in our community are transit dependent and we need to be vigilant on all of these fronts, transportation is one of those issues that can fade to the background. Proud about the work of LTD in this community, keep costs down and serve those who are economically and mobility challenged. Those are the things he is passionate about.

Richie Weinman:

Council has to meet to set policy, bottle neck for homelessness at the Council level, frustrated and would like to ask for comment

Greg Evans:

Council Agenda, Mayor and City Manager set the work session agendas, Councilor Evans is working to bringing it to the table. Councilor Surret trying to get full report on expenditures. You have my commitment that I will continue to

try to bring it up. Let's develop proposals together, to bring forward parallel policy to the camping ban to be more constructive and humane and work for our homeless citizens in a better way.

Richie: No one is directing City staff for a report, a document clarity and options regarding the camping ban, or the entire report.

Business Meeting Adjourned at 6:25, Work Groups began at 6:40



City of Eugene

Human Rights Commission
99 W. 10th Avenue, Suite 116
Eugene, OR 97401-2793
(541) 682-5177 (Voice)
(541) 682-5221 (Fax)
www.eugene-or.gov
ehrcenter@ci.eugene.or.us

FUNDS REQUEST FORM

EUGENE HUMAN RIGHTS COMMISSION

Any person or organization requesting Human Rights Commission funding must complete and sign this form. Please review the guidelines for community requests before filling out this application.

The City of Eugene allocates a small amount of money each fiscal year to the Human Rights Commission to consider for community event funding requests. The Human Rights Commission receives numerous requests each year for funding, but cannot fund them all due to budget limitations. This commission strives to carefully consider which events to support with funding.

You or a representative from your agency is **strongly encouraged** to give a 3-minute overview of this request (during public comment period) promptly at 5:30 p.m. at this month's Human Rights Commission meeting and be available to answer questions. Please be as thorough as possible when filling out the form.

Please note that if funding is approved, the commission requires a follow-up report within one month of use. Recipients may submit a written report or may attend the next commission meeting to present a brief verbal report.

Date of Funding Request: Feb. 28th, 2013

Date Funding Required: Mar. 22nd, 2013

Name/Date of Event: TAC International Film and Video Festival, May 7th-11th.

Location of Event: Recital Hall at The Shedd Institute

Brief description of Event: To exhibit for our audience the wonderful diversity of human cultures past and present in the exploration of our place in history and in our world.

To promote the genre and makers of film and video productions about archaeology.

NOTE: Time Line for Application

Applications must be received no later than the first Monday of the month **prior** to the event.

Organizations and/or individuals submit completed Application for Funds to:

Human Rights Program

99 W. 10th Avenue, Suite 116

Eugene, OR 97401

Fax: (541) 682-05221

ehrcenter@ci.eugene.or.us (**Electronic submission instructions are at the bottom of this application**)

The Human Rights Commission Mission Statement:

The City of Eugene values the dignity of all human beings. We are committed to:

- Ensuring that human rights are a central part of every City program;
- Respecting and reflecting cultural and individual diversity;
- Fostering mutual understanding; and
- Promoting inclusiveness, justice and equity.

Note: Please choose only **one** funding option: Funding or Co-Sponsorship or other amount.

We are requesting:



Endorsement: The commission may endorse events that meet the guidelines. The purpose of these events must be aligned with the commission's mission and goals. The commission may endorse specific events whose values it supports but to which it does not contribute money. The commission's name may be used in advertising for these events. This application for endorsement must be submitted to the commission and authorization must be granted prior to use of its name.



Funding: The commission may provide up to \$100 for events that meet the guidelines if commissioners are not actively involved. The purpose of these events must be aligned with the commission's mission and goals.

OR



Co-Sponsorship: The commission typically provides up to \$200 (higher amounts may be considered for specific circumstances) for events meeting the guidelines and in which commissioners will be actively involved. Active involvement means that, at a minimum, the group planning the event works directly with a commissioner who serves as a formal liaison between the group and the commission and reports back to the commission regularly. If possible, a commissioner should participate in the planning process and the commission should have an information table at the event.

OR



Other Amount Requested: _____

****Please provide detailed information about why request exceeds standard funding levels:**

Name of person/organization presenting request for funds Richard M. Pettigrew

Address of person/organization presenting request for funds 4147 E. Amazon Dr.
Eugene, OR. 97405

Primary contact person's name and phone number 541-345-5538

Description of organization, names of officers and/or board of directors

Nonprofit organization devoted to sharing the human cultural legacy through media.

—
Board Members: Hervey Allen, Ceil Forrest, Richard M. Pettigrew, Esther Stutzman,
and John Waters.

What product or service is the City purchasing with these funds?

A public information service that promotes improved human relations.

How would this expenditure directly further the adopted work plan of the commission?

See Attached

Specifically, how would the City organization benefit by spending this money?

See Attached

Detailed budget description for funds requested (attach if necessary)

See Attached

Other co-sponsors or funding sources and amounts received

See Attached

Is the event wheelchair accessible?..... Y ☒ N ☐

Will sign interpretation be available?..... Y ☐ N ☒

Will other language interpretation be available? (if requested)..... Y ☐ N ☒

Is the event's purpose to raise funds?..... Y ☐ N ☒

If funding request is approved, in what name should the check be issued and where should it be sent? First Name _____ Last Name Archaeological Legacy Ins

Street/Mailing Address: 4147 E. Amazon Dr.

City Eugene State OR Zip Code 97405

Note: If this funding request is approved by the City of Eugene Human Rights Commission, the funds will be used to purchase the service or product described in this application and a written or verbal report will be provided to the commission within 30 days.

Signature of person responsible for expenditure _____ ☒

(For those without an electronic signature, by checking the box at the end of the signature line, you confirm and agree that the check mark you place in that box IS your signature.)

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Date of Funding Request: 2/21/2013
Date Funding Required: 4/1/13 (prior to show)
Name/Date of Event: The Vagina Monologues- April 12th, 13th, & 14th
Location of Event: The Wesley Center 1236 Kincaid St. Eugene, OR 97401
Brief description of Event: A volunteer based community production of The Vagina Monologues, a benefit for Sexual Assault Support Services (SASS). This is part of the international V-Day movement, to speak out about violence against women and girls.

NOTE: Time Line for Application

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Note: Please choose only **one** funding option: Funding or Co-Sponsorship or other amount.

We are requesting:

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☐ **Funding:** The commission may provide up to \$100 for events that meet the guidelines if commissioners are not actively involved. The purpose of these events must be aligned with the commission's mission and goals.

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OR

☒ **Other Amount Requested:** \$150

****Please provide detailed information about why request exceeds standard funding levels:**

We are requesting additional funding, as this will go to making our event accessible, and
because we are a small benefit. Money we have to spend putting on the show from our
other fundraising efforts, reduces the amount we can give to our beneficiary.

Name of person/organization presenting request for funds The Vagina Monologues

Address of person/organization presenting request for funds The Wesley Center
1236 Kincaid Street Eugene, OR 97401

Primary contact person's name and phone number Lizzy Bennett 562-537-4100

Description of organization, names of officers and/or board of directors

Lizzy Bennett, Co- Director & Clair Coiner, Co-Director

DK Stotler, Assistant Director

Sarah Lanius, Assistant Producer

Warren Light, organizes with us and is the contact at The Wesley Center (Fiscal Sponsor)

What product or service is the City purchasing with these funds?

ASL interpretation

How would this expenditure directly further the adopted work plan of the commission?

This is making our event accessible to the Deaf community.

Specifically, how would the City organization benefit by spending this money?

The city is making The Vagina Monologues an inclusive event. There aren't many events in the city where Deaf members can show up without needing to request an interpreter.

Detailed budget description for funds requested (attach if necessary)

Friday night- Interpreter #1- \$100, Interpreter #2 \$100. This is a HIGHLY reduced rate.

Saturday night- Interpreter #1- \$100, Interpreter #2 \$100. This is a HIGHLY reduced rate.

Other co-sponsors or funding sources and amounts received

ASL interpretation specific- none. We have done a dinner fund-raiser and will be doing a craft fair. We also have cast ask for donations from friends/family.

Is the event wheelchair accessible?..... Y ☒ N ☐

Will sign interpretation be available?..... Y ☐ N ☐

Will other language interpretation be available? (if requested)..... Y ☐ N ☒

Is the event's purpose to raise funds?..... Y ☐ N ☐

If funding request is approved, in what name should the check be issued and where should it be sent? First Name The Wesley Center Last Name Memo: VM 2013

Street/Mailing Address: 1236 Kincaid Street

City Eugene State OR Zip Code 97401

Note: If this funding request is approved by the City of Eugene Human Rights Commission, the funds will be used to purchase the service or product described in this application and a written or verbal report will be provided to the commission within 30 days.

Signature of person responsible for expenditure _____



(For those without an electronic signature, by checking the box at the end of the signature line, you confirm and agree that the check mark you place in that box IS your signature.)

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HRC petition for investigation of transgender health insurance discrimination

We, the undersigned, are concerned about discrimination against transgender people in the provision of health insurance coverage, because:

- A. Hormone therapy, mental health care, and medical care, including surgery, is medically necessary for certain transgender individuals.ⁱ
- B. Insurance companies and employer health plans, including those of the City of Eugene, Lane County, and other public jurisdictions routinely deny coverage of these treatments through transgender-specific exclusions, while providing coverage of these same treatments to non-transgender, or cisgender, individuals.ⁱⁱ
- C. Denial of these benefits causes real harm to transgender patients.ⁱⁱⁱ
- D. Removal of these exclusions, and provision of equal benefits for transgender patients, is cost effective.^{iv}
- E. Denying benefits due solely to gender identity constitutes discrimination, and is ~~probably~~ illegal in the State of Oregon.^v

SEE ATTACHED
INSURANCE
DIVISION
BULLETIN

Therefore:

We request that the City of Eugene Human Rights Commission investigate the practice of trans-specific health insurance exclusions, and call for the end to such practice among employer-provided health insurance plans in the Eugene-Springfield area, including the City of Eugene.

Name	Signature
Kitty Percy	Kitty Percy
Akasha Vitelli	Akasha Vitelli
Sandra Pruzynski	Sandra Pruzynski
Lynn Smith	Lynn Smith
Marietta Hopper	Marietta Hopper
Mohammadali Naji	Mohammadali Naji
Sharon Guinee	Sharon K. Guinee

ⁱ "The Benefits of Equality," Basic Rights Oregon, 2012, pp. 25-34, 36

ⁱⁱ *Ibid.*, pp. 23-24; City of Eugene Employee Benefits Handbook, PPO, July 1, 2010, p. 93

ⁱⁱⁱ "The Benefits of Equality," Basic Rights Oregon, 2012, pp. 45-49

^{iv} *Ibid.*, pp. 35, 37-40

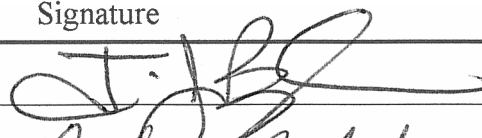
^v ORS 659A.030; OAR 839-005-0003(8) & (14); OAR 839-005-0010(B)

HRC petition for investigation of transgender health insurance discrimination

Name

Signature

TIM BOYDEN



Amber R. Jet



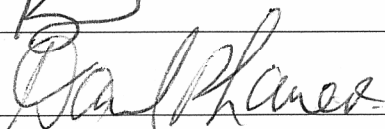
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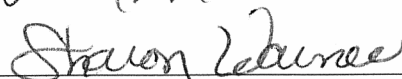
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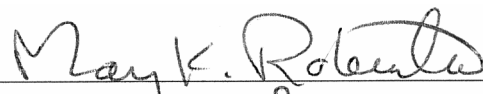
Daniel Lawer



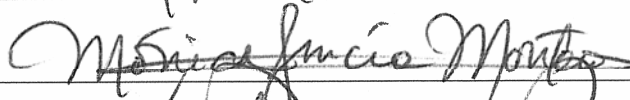
Sharon Warner



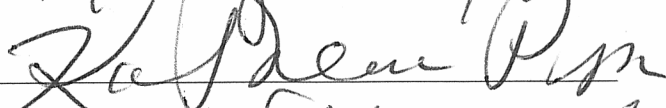
MARY K. ROBERTSON



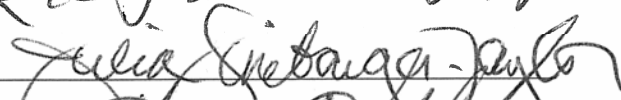
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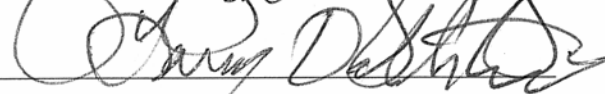
KATHCEEN PIPER



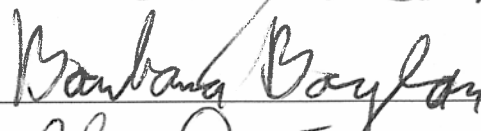
Julia Linebarger-Taylor



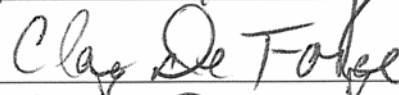
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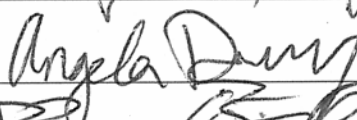
Barbara Boylan



Clay DE FORGE



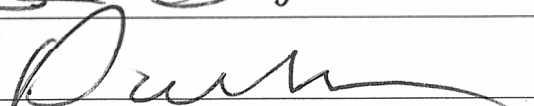
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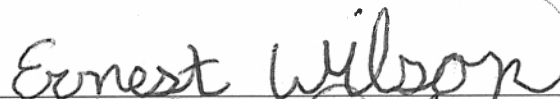
BASIL PRICE



Diane Proctor



Ernest Wilson



Jordin McDowell



HRC petition for investigation of transgender health insurance discrimination

Name

Signature

Debbie McDowell

Debbie McDowell

Theresa Schussinger

Theresa

Kathleen M. Lyons

Kathleen M. Lyons

Deana Gabel

Deana Gabel

LaDonna Stiner

LaDonna Stiner

Jesse Quinn

Jesse Quinn

Wesley Garza

Wesley Garza

Kori L. Rodley

Kori L. Rodley

Richard K. Reuter

Richard K. Reuter

Amanda Etter

Amanda Etter

Cesilia Doty

Cesilia Doty

Ceslie Garza

Ceslie Garza

Kristin Collier

Kristin Collier

Tasha Napier

Tasha Napier

Seda Collier

Seda Collier

Brandy Ota

Brandy Ota

ILANA SOPHIA

Ilana Sophia



Oregon
John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services

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OREGON INSURANCE DIVISION BULLETIN INS 2012-1

TO: All Insurers Transacting Insurance in Oregon

RE: Application of Senate Bill 2 (2007 Legislative Session) to Gender Identity Issues in the Transaction and Regulation of Insurance in Oregon

The purpose of this bulletin is to provide guidance to insurers about how the Insurance Division of the Department of Consumer and Business Services (division) expects insurers and other licensees to conform to provisions of the Oregon Equality Act (Senate Bill 2, 2007 Legislative Session) (SB 2) in the transaction of insurance in Oregon when a transaction or activity relates to gender identity. Although most of this bulletin pertains to health insurance issues, the principles set forth are equally applicable to other kinds of insurance to the extent equality of treatment and nondiscrimination is required. The division has received questions related to coverage and treatment of conditions related to gender identity or gender dysphoria.¹

For clarity, it is necessary to understand a number of terms used in this bulletin and in discussions related to gender identity.

First, the Legislative Assembly defined “sexual orientation” as, “an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or **gender identity**, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.” (Emphasis added) ORS 174.100. This definition is applicable to all of the Oregon Revised Statutes including the Insurance Code and those that prohibit discrimination by any person or governmental entity against a person based on religion, age, race, color, sex, sexual orientation, national origin, alienage, marital status or age. See e.g., ORS 30.860 and 659A.006.

In general, “actual gender identity” means a person’s internal sense of being male, female, a gender different from the gender assigned to the person at birth, a transgender person or neither male or female. “Perceived gender identity” means an observer’s impression of another’s internal gender identity including the observer’s impression that the other person is male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

¹The Oregon Equality Act (Senate Bill 2, 2007 Legislative Session) uses the term, “gender identity” when addressing the civil right and prohibition against discrimination set forth in that Act. However, the emerging term of art and the term that will likely be used in the revised DSM-5 when discussing treatment is “gender dysphoria” so for purposes of this bulletin we use, “GI/GD” to encompass both terms.

A “transgender person” is a person who has, or has been diagnosed with, GI/GD, who has received or requires health care services, including counseling, related to gender transition, who adopts the dress, appearance, or behavior of the opposite sex, or who otherwise identifies himself or herself as a gender different from the gender assigned to that person at birth.

Finally, “gender transition” means the process of changing one's outward appearance, including physical sex characteristics, to accord with the person’s actual gender identity.²

As noted, SB 2 defines “sexual orientation” and adds sexual orientation to several statutes that prohibit discrimination. The bill prohibits any discrimination based on an individual’s sexual orientation with regard to employment, housing, public accommodations, public services, public education, adult foster homes and foster parenting, among other things and declares that the opportunity to obtain employment, housing and use public accommodations free of discrimination based on sexual orientation, religion, age, race, color, sex, national origin, or marital status, is a civil right. The bill allows only a narrow exception for churches or other religious institutions to take actions based on sexual orientation including gender identity, with respect to employment, housing or the use of public accommodations. This exception is not applicable to the transaction of insurance.

When SB 2 was enacted, the division did not embark on a full-scale rewrite of the Insurance Code or the rules adopted to implement the Code. In 2008, the division set forth guidelines for incorporating the provisions of a companion bill establishing a registration process for domestic partnerships, (House Bill 2007) into existing law. This bulletin now provides similar clarification of how the Legislative Assembly policy against discrimination based on gender identity impacts insurance regulation. Rather than a full-scale rewrite of the Insurance Code or the division’s rules, the division relies on the language of SB 2 that prohibits any person or governmental entity from discriminating based on gender identity. The division views the prohibition as applicable to all provisions of the Insurance Code and the associated division rules. Just as with the recognition of registered domestic partnerships in House Bill 2007 (2007 Legislative Session), the provisions of the Insurance Code must be read and construed in a manner that aligns with the legislative intent and stated policy expressed in SB 2. The division expects insurers to apply the nondiscrimination provisions of SB 2 in a similar manner.

Discussion

Keeping this background in mind, this bulletin sets out principles the division applies when addressing questions related to GI/GD and insurance. The commissioner will continue to apply these principles to questions related to GI/GD and the transaction of insurance.

Principle #1: An insurer may not discriminate on the basis of an insured's or prospective insured's actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person.

The division would find an insurer has discriminated if an insurer does any of the following:

² These terms are adopted from California regulation §2561.1.

- (1) Denies, cancels, limits or refuses to issue or renew an insurance policy on the basis of an insured's or prospective insured's actual or perceived gender identity;
- (2) Demands or requires a payment or premium that is based in whole or in part on an insured's or prospective insured's actual or perceived gender identity;
- (3) Designates GI/GD as a preexisting condition for which coverage will be denied or limited; or
- (4) Excludes all "Gender Identity Disorders."

Principle #2: A health insurer may not deny or limit coverage or deny a claim for a procedure provided for GI/GD if the same procedure is allowed in the treatment of another non-GI/GD-related condition.

The public policy set forth in SB 2 prohibits an insurer from denying coverage for any treatment solely on the basis that the treatment is related to gender reassignment or is treatment for GI/GD. If the treatment consists of a service provided for the treatment of other conditions or illnesses such as hormone therapy, hysterectomy, mastectomy or vocal training, and the treatment was deemed medically necessary, then the insurer could not deny coverage because in this instance it was for gender transition or treatment of GI/GD.

For example, if an insurer provided coverage for breast reduction surgery to alleviate back pain, the insurer could not deny breast reduction surgery for gender reassignment purposes so long as the treatment is deemed medically necessary.³ This places an insured who is seeking coverage of a condition related to GI/GD on equal footing with any other person by basing the decision about coverage on medical necessity, not on GI/GD and assures the person equal access to opportunities to challenge an insurer's decision related to coverage, such as mandatory appeal processes. In cases in which coverage is denied because the carrier does not consider it medically necessary, a number of appeals are available to the insured that allow the insured and the insured's provider to demonstrate the treatment is medically necessary. For an individual involved in gender reassignment or GI/GD treatment, the same "medically necessary" standard should apply, which would then make available to the individual the same appeal processes as for any claim denial.

Principle #3: Although a health insurer may categorically exclude coverage for a particular condition or treatment, the insurer may not base such exclusion on gender identity.

Senate Bill 2 was intended to assure that all Oregonians would be provided equality in treatment and does not mandate any particular treatment. But the bill does require an insurer to provide coverage for a treatment or a condition or illness related to GI/GD on the same basis as coverage is provided for any other health condition.

³ The division does not address the determination of medical necessity in this bulletin. However, the division does note that a number of medical professional organizations have addressed the issue. *See*, "Health Care for Transgender Individuals," Committee Opinion of the Committee on Health Care for Underserved Women, The American College of Obstetricians and Gynecologists, December 2011; Resolution #114, American Medical Association House of Delegates, "Removing Barriers to Care for Transgender Patients," Received 04/14/08; "Position Statement on Access to Care for Transgender and Gender Variant Individuals," Official Position of the American Psychiatric Association, approved May 2012; "APA Policy Statement: Transgender, Gender Identity & Gender Expression Nondiscrimination," adopted by the American Psychological Association Council of Representatives, August 2008.

An insurer may exclude any service that is not mandated by legislative action. However, an insurer may not exclude such services because the service is provided for the treatment of GI/GD. This kind of exclusion runs counter to SB 2. An insurer may categorically exclude treatment of sexual disorders or dysfunctions, but the exclusion must apply across the board. The insurer cannot exclude only sexual disorders or dysfunctions if they are related to GI/GD. This ability to exclude obviously does not allow exclusion of any service or treatment mandated by the Legislative Assembly such as mandates related to mammograms, pelvic examinations, Pap smear examinations, breast exams and mastectomy-related services if those treatments were connected to a sexual disorder or dysfunction.

An insurer cannot simply exclude “Gender Identity Disorders” or “Treatment for Gender Identity Disorder” because this is on its face discrimination based on sexual orientation. The insurer may exclude specific procedures that may be used in treating GI/GD, but the exclusion must apply to all insureds equally and may not be excluded because it is for GI/GD. For example, an insurer may exclude all cosmetic surgery but cannot allow such surgery in some instances while denying the same surgical procedure as “cosmetic” in connection with GI/GD.

Principle #4: The mandated coverage for mental health services must include mental health counseling and treatment related to GI/GD.

The current mental health parity rules of the division were adopted in 2006, prior to enactment of SB 2. The rules define “mental or nervous conditions” as used in ORS 743A.168 as “[a]ll disorders listed in the ‘Diagnostic and Statistical Manual of Mental Disorders, DSM-IV-TR, Fourth Edition’ except for:...(iv) Diagnostic codes 302.85, 302.6, 302.9; Gender Identity Disorders in Adults. This exception does not extend to children and adolescents 18 years of age or younger...”. OAR 836-053-1404. Under this rule, treatment related to GI/GD is required only for those 18 years of age or younger. The division finds that this rule on its face conflicts with the public policy expressed in Senate Bill 2 to the extent it excludes mental health treatment related to GI/GD for persons over the age of 18 solely on the basis of gender identity. If possible, the division must interpret the rule in a manner that complies with the requirements of SB 2. If the rule cannot be construed in a manner that is consistent with SB 2, the rule is invalid and cannot be enforced. Although the rule anticipates that mental health counseling services mandated by ORS 743A.168 would include counseling and treatment for mental or nervous conditions that may in fact be caused by or related to GI/GD such as depression, for those over 18, the rule requires insurers to provide treatment for GI/GD-related illness such as depression only if the treatment is based on a Diagnostic code used for depression and not the GI/GD-related conditions identified under Diagnostic codes 302.85, 302.6 or 302.9.

With the passage of SB 2, the division must interpret OAR 836-053-1404 to require mental health treatment of GI/GD identified under Diagnostic codes 302.85, 302.6 or 302.9 for all ages. To deny coverage under those codes would clearly be discrimination based solely on gender identity and thus prohibited under SB 2.

To address this problem, the division is adopting immediately a temporary rule to remove the limitation and will open a permanent rulemaking to review this rule to remove the exclusion for those over age 18 and make any other changes necessary as a result of legislation adopted since Senate Bill 1 (relating to mental health parity) was adopted in 2005.

Principle #5: The perceived gender identity of a person should not prevent appropriate treatment.

With specific exceptions, the Insurance Code does not mandate that insurers provide any particular coverage.⁴ The extent of coverage, deductibles and copayments offered by an insurer are not regulated. The exceptions to this are the insurance mandates such as those codified in ORS Chapter 743A. The mandates set forth in ORS Chapter 743A have been specifically enacted by Oregon's Legislative Assembly to require insurers to include certain coverage in health policies. These mandates include a variety of conditions or treatments, such as treatment for alcohol and drug addiction (ORS 743A.164, 743A.168), provision of orthotic devices (ORS 743A.144), certain minimum screenings for breast cancer (ORS 743A.108) and prostate screening examinations (ORS 743A.120).

Any health care services that are ordinarily or exclusively available to individuals of one sex may not be denied based on the perceived gender identity of a person when the denial or limitation is due only to the fact that the insured is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

If a treatment is determined to be medically necessary and the coverage is one that is provided under the policy, the gender of the patient is usually irrelevant. However, some mandates are particular in requiring coverage for either male or female patients. See e.g., ORS 743A.104 (coverage for pelvic and Pap smear examinations required for women annually for women 18 to 64 years of age), ORS 743A.108 (coverage required for physical examinations of breast for women) and ORS 743A.120 (coverage required for biennial prostate screening examinations for men 50 years or older). We note that a statute of general construction states, "It shall be the policy of the State of Oregon that all statutes, rules and orders enacted, adopted or amended after October 3, 1979, be written in sex-neutral terms unless it is necessary for the purpose of the statute, rule or order that it be expressed in terms of a particular gender." ORS 174.129. In light of this standard and the gender-specific language in these particular statutes, we conclude that although the legislature intended these mandates to only apply to the sexes indicated in the mandates, with the passage of SB 2, the mandates should not be construed to limit the coverage provided to the perceived or self-identified gender identity. The division will interpret the policy set forth in SB 2 to require an insurer to cover any sex-specific mandated coverage, if medically necessary, regardless of whether a person is biologically or self-identified as the sex identified in the statute. In other words, we would view the Pap smear mandate (ORS 743A.104) as applicable to a biological female who self-identifies as male, and we would view the prostate screening mandate (ORS 743A.120) as applicable to a biological male who self-identifies as female.

Principle #6: The Insurance Division expects insurers' forms to comply with the policy expressed in SB 2 as it is incorporated into insurance regulation with this bulletin.

As with implementation of HB 2007, the division has not required insurers to file new forms. However, the division does interpret its statutes and laws in light of SB 2 and will not allow actions by the regulated insurance community that violate the clear public policy expressed in SB 2 even if forms have been allowed since the passage of SB 2. The division expects all new forms

⁴ In 2014, all coverage included in the Essential Health Benefit Plan selected for Oregon will be mandated under the provisions of state and federal law.

to comply and in some instances, may require endorsement or revision of an existing form. For example, the division will not allow an insurer to include provisions in contracts that violate the SB 2 policy. An obvious example would be that of a form submitted for approval that included exclusions based on treating gender identity as a preexisting condition. The division would disapprove this both because it is unjust, unfair and inequitable under ORS 742.005 and because it violates the policy and intent of SB 2.⁵

If you have any questions about this bulletin, you may contact:

Jeannette Holman, Senior Policy Analyst, Oregon Insurance Division

Phone: (503) 947-7234

jeannette.holman@state.or.us

This bulletin takes effect immediately.

Dated this 19th day of December 2012 at Salem, Oregon.

Louis D. Savage, Insurance Commissioner
Oregon Insurance Division

⁵ Additional information explaining the basis of this bulletin can be found in the attached Appendix.

APPENDIX
To
OREGON INSURANCE DIVISION BULLETIN INS 2012-1

The purpose of Bulletin 2012-1 is to provide guidance to insurers about how the Insurance Division of the Department of Consumer and Business Services (division) expects insurers and other licensees to conform to provisions of the Oregon Equality Act (Senate Bill 2, 2007 Legislative Session) (SB 2) in the transaction of insurance in Oregon when a transaction or activity relates to gender identity. Although most of this bulletin pertains to health insurance issues, the principles set forth are equally applicable to other kinds of insurance to the extent equality of treatment and nondiscrimination is required. The division has received questions related to coverage and treatment of conditions related to gender identity or gender dysphoria.⁶

This appendix provides additional information to support the division's bulletin and the principles set forth in Bulletin 2012-1.

Terms used in Bulletin 2012-1:

1. "Sexual orientation" as defined by SB 2 means "an individual's actual or perceived heterosexuality, homosexuality, bisexuality or *gender identity*, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth." (Emphasis added) ORS 174.100. This definition is applicable to all of the Oregon Revised Statutes including the Insurance Code and those that prohibit discrimination by any person or governmental entity against a person based on religion, age, race, color, sex, sexual orientation, national origin, alienage, marital status or age. *See e.g.*, ORS 30.860 and 659A.006.
2. "Actual gender identity" means a person's internal sense of being male, female, a gender different from the gender assigned to the person at birth, a transgender person or neither male or female.
3. "Perceived gender identity" means an observer's impression of another's internal gender identity including the observer's impression that the other person is male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.
4. A "transgender person" is a person who has, or has been diagnosed with, GI/GD, who has received or requires health care services, including counseling, related to gender transition, who adopts the dress, appearance, or behavior of the opposite sex, or who otherwise identifies himself or herself as a gender different from the gender assigned to that person at birth.
5. "Gender transition" means the process of changing one's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.⁷

⁶The Oregon Equality Act (Senate Bill 2, 2007 Legislative Session) uses the term, "gender identity" when addressing the civil right and prohibition against discrimination set forth in that Act. However, the emerging term of art and the term that will likely be used in the revised DSM-5 when discussing treatment is "gender dysphoria" so for purposes of this bulletin we use, "GI/GD" to encompass both terms.

⁷These terms are adapted from California regulation §2561.1.

As noted in the bulletin, SB 2 defines “sexual orientation” and adds sexual orientation to several statutes that prohibit discrimination. The bill prohibits any discrimination based on an individual’s sexual orientation with regard to employment, housing, public accommodations, public services, public education, adult foster homes and foster parenting, among other things and declares that the opportunity to obtain employment, housing and use public accommodations free of discrimination based on sexual orientation, religion, age, race, color, sex, national origin, or marital status, is a civil right. The bill allows only a narrow exception for churches or other religious institutions to take actions based on sexual orientation including gender identity, with respect to employment, housing or the use of public accommodations. This exception is not applicable to the transaction of insurance.

Applicability of SB 2 to Transaction of Insurance

The Insurance Division interprets the unlawful discrimination policy set forth in SB 2 as applying to the transaction of insurance in Oregon in two ways. First, the language of ORS 659A.003 states a clear public policy of the state of Oregon. Although the provisions of ORS chapter 659A that prohibit unlawful discrimination do address employment situations, the scope of the chapter and the policies set forth in the chapter are not limited to employment:

659A.003 Purpose of ORS chapter 659A. The purpose of this chapter is to encourage the fullest utilization of the available workforce by removing arbitrary standards of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability as a barrier to employment of the inhabitants of this state, **and to ensure the human dignity of all people within this state and protect their health, safety and morals from the consequences of intergroup hostility, tensions and practices of unlawful discrimination of any kind based on race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status.** To accomplish this purpose, the Legislative Assembly intends by this chapter to provide:

(1) **A program of public education calculated to eliminate attitudes upon which practices of unlawful discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status are based.**

(2) An adequate remedy for persons aggrieved by certain acts of unlawful discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, disability or familial status, or unreasonable acts of discrimination in employment based upon age.

(3) An adequate administrative machinery for the orderly resolution of complaints of unlawful discrimination through a procedure involving investigation, conference, conciliation and persuasion, to encourage the use in good faith of the machinery by all parties to a complaint of unlawful discrimination and to discourage unilateral action that makes moot the outcome of final administrative or judicial determination on the merits of the complaint. (Emphasis added.)

In ORS 659A.006 (1), the legislature declares that it is the public policy of the State of Oregon:

...that practices of unlawful discrimination against any of its inhabitants because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status are a matter of state concern and that this discrimination not only threatens the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. (Emphasis added.)

This statute goes on to state that the opportunity to obtain employment or housing and to use places of public accommodation without unlawful discrimination is recognized as and declared to be a civil right. Although many of the provisions of ORS chapter 659A address specific instances in which discrimination is forbidden, the policy itself as stated in ORS 659A.006 (1) is broad and serves to inform the Insurance Division when the division must make a determination of whether an action of an insurer or other person authorized to transact insurance or a provision of an insurance contract is allowed and when that discrimination is unlawful and unfair.

One statute, ORS 659A.403, prohibits discrimination in any place of public accommodation, which is defined as “any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements or otherwise,” (ORS 659A.400). The statute provides in part:

659A.403 (1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older.

Shortly after adoption of ORS 659A.400 (formerly ORS 30.675) and 659A.403 (formerly ORS 30.670), the Oregon Supreme Court considered whether insurance was a “public accommodation” as used in those provisions. Although testimony before the Legislative Assembly appeared to support this interpretation, the Court concluded that based on the construction of the statutes and other rules of statutory construction, the argument supporting the inclusion of insurance as a public accommodation based on testimony presented to the Legislative Assembly was not persuasive. *Thompson v. IDS Life Insurance Company*, 274 Or. 649, 549 P2d 510 (1976). However later cases leave some doubt about whether future decisions would conclude financial and insurance institutions are public accommodations. Often the courts in dicta refer to insurance and financial institutions as examples of businesses that provide services or products to the public that are public accommodations, but the question has not been squarely addressed since *Thompson*. (See for example, *Lahmann v. Grand Aerie of Fraternal Order of Eagles*, 180 Or. App. 420, 43 P3rd 1130 (2002), *Schwenk v. Boy Scouts of America*, 275 Or. 327, 551 P2d. 465 (1976). In more recent decisions related to public accommodations, the courts have applied a simpler test to determine whether an entity is a public accommodation. In these later cases, the court asks two questions: 1) Does the entity engage in business (e.g., selling a product or service); and 2) Does the entity offer the product or service to the public (i.e., is the entity private)? The test has been applied by Oregon courts to include numerous types of businesses or commercial enterprises that offer goods or services to the public, *Lloyd Lions Club v. Int. Assoc. of Lions Clubs*, 81 Or.App. 151, 153, 724 P.2d 882, 887 (1987). Under this test, we believe a company engaged in the business of transacting insurance would fall within the specific prohibition set forth in ORS 659A.400. Furthermore, recent changes in federal law have allowed insurance companies to provide banking services, essentially equating them to other financial institutions which are considered public accommodations in many instances. Any argument that insurance is not a public accommodation in view of the recent developments in the industry and under the current Oregon judicial test would probably fail.

Even if insurance as a public accommodation is disregarded, the division concludes insurance must abide by the nondiscrimination policy of SB 2 for a second reason.



Services Supporting the Homeless – Progress Report

February 7, 2013

Winter Strategies

On November 21st, Council approved the expenditure of up to \$225,000 for one-time funding to bolster existing services for people who are homeless, or in jeopardy of becoming homeless, in advance of the winter season. Below is a list of the funded community activities the amount of funding dedicated, and the progress to date.

St Vincent de Paul

1) Expansion of Car Camping Program - \$50,000

St Vincent de Paul continues to work to expand the number of car camping sites. Funding pays for increasing the number of sanitation and restroom facilities and for increased staff support. The car camping program currently has 30 sites which are all in use serving 70 people. Since Council's action, this represents an increase of two camping sites, creating five camp spots and serving 10 additional people.

While St Vincent's is lead on identifying new locations, City staff are also working to identify and put into use additional city-owned sites for inclusion into the car camping program.

2) Outreach and Referral Coordinator - \$35,000

In December, St Vincent de Paul hired a new Outreach and Referral coordinator to coordinate services for homeless individuals and serve as the initial contact for people in need of services. The coordinator, Gustavo Presidente, works out of the First Place Family Development Center and can be reached at (541) 342-7728.

3) Storage Units - \$10,000

St Vincent de Paul has two sites planned for the development of storage units to securely store the possessions of homeless persons. These sites include the Lindholm Service Station on Highway 99 and Catholic Community Services Eugene Center on West 6th Ave. Although they are still working out design and fabrication issues, St Vincent de Paul has begun using the funding to purchase materials for the development of these units.

4) Egan Warming Center - \$25,000

Egan has activated 13 nights this season, providing over 2,500 bed nights to 690 unduplicated individuals.

With the exception of behavioral issues, Egan has been able to provide services to every individual seeking shelter on the nights of activation. Families are not accepted at Egan sites and are often referred to the Eugene Mission if they arrive at an Egan site looking for services. Egan will also arrange a consultation with the family at St Vincent de Paul's First Place Family Center the following day.

It is important to note that not all sites are open on all activation nights, due to scheduling conflicts. If someone shows up to an Egan site that is not open on an activation night, transportation is often arranged for that person to get to an alternate warming center.

The Egan Warming Center program is primarily a volunteer program, so increasing the number of sites is difficult because it is not simply a financial constraint issue. Egan has been successful in adding 200 additional volunteers this season and City staff have and will continue to work with Egan administrators and staff to develop a plan to increase capacity within the Egan Warming Center program or to provide complementary service to Egan Warming Centers.

ShelterCare

5) Security and Rental Deposit Assistance - \$50,000

ShelterCare has paired \$50,000 in City of Eugene funding with existing funding sources to provide a more robust homelessness prevention program, focusing on security and rental deposit assistance. ShelterCare is administering this program and has informed us that the funding will assist, on average, 30 families a month with the City's contribution directly benefitting 8-12 of these families.

6) Emergency Housing Matching Grant - \$25,000

The City of Eugene's \$25,000 contribution allowed ShelterCare to rapidly meet the challenge of a private matching grant. The \$50,000 of funding that was generated allowed two units of emergency family housing in the city of Eugene to open on January 1, 2013.

Looking Glass

7) Station 7 Expansion - \$17,000

Council provided funding to expand existing shelter service for youth and small families. With this additional \$17,000, Station 7 has been able to open previously unused emergency shelter space which will remain available for 100 days through the winter season.

Micro-housing project

Following Council's direction (on December 10) to the City Manager to locate a pilot project at the North Garfield site, staff began undertaking the analysis to make sure the project could be approved expeditiously. Staff from departments that may have a role in some part of the project have been identified and have met to coordinate, including staff from public works, planning, building official, fire, city attorney's office and police.

The staff team identified an area on the site (approximately one acre) that is anticipated to work for the project and the ongoing operational needs of the public works maintenance operations. The area also appears to work consistently with the conditional use permit (CUP) criteria, and is responsive to concerns identified in the neighborhood.

Staff has attended neighborhood meetings, most recently on January 17. The Trainsong Neighbors hosted a public forum on the 17th regarding the planned Opportunity Village Eugene (OVE) site. City staff from public works, EPD, community development and neighborhood services joined OVE representatives and Councilor Syrett to provide information and answer questions about the site.

Additionally, the staff team reviewed the CUP criteria in order to ensure that when the provider is ready to meet, staff will be able to provide the best information possible to assist the provider with its' preparation of the CUP application. The team has also started identifying issues that should be addressed in a lease/agreement with the provider. Staff is currently reviewing the agreements that Portland and Seattle have developed and talking with staff from those cities. These discussions are highlighting issues they believe are important to address (and how).

After talking to four non-profits about possible interest in serving as the provider for the pilot project, the city team selected Opportunity Village Eugene as the provider. Meetings to discuss both the CUP application and any issues that should be addressed in the lease/agreement to use the North Garfield site will occur in early February. Staff is coordinating the CUP and lease/agreement processes in order to allow them to proceed concurrently in order to have all necessary requirements in place by the completion of the CUP process.

Conestoga Hut & Micro Housing

On December 12, 2012, Council voted to amend ordinance 4.816 to allow Conestoga huts to be defined as vehicles for the purpose of legal car camping. This allows Conestoga huts to be used within the guidelines outlined in Ordinance 4.816 which defines legal car camping.

There are currently five Conestoga huts being used as temporary housing in Eugene. Three are being hosted at Church of the Resurrection in south Eugene and two are being hosted by the Apostolic Church on Grant and 12th Avenue. The huts are providing shelter for four individuals and one couple, for a total of six people.

There is a community fundraising effort occurring to purchase and construct additional huts. City staff are working with St Vincent de Paul, who manages the car camping program, to expand existing car camping sites which may be used to host Conestoga huts.

Other Issues

City Restrooms

The City of Eugene has supplied Occupy Eugene Medical Van with an ADA portable restroom for use at the Park Blocks on Sunday afternoons to assist those in need of restrooms for medical purposes.

Community Development staff, with the help of Facilities staff, have created and mounted 10 restroom maps located throughout the downtown area to guide those in need of a restroom to a city maintained facility.

City staff continue to work with the Whiteaker Community Council to identify a private host for a public, portable restroom and rest stop to replace the Monroe Street Station public restrooms. The site that was previously identified, Reality Kitchen, is no longer able to host the restroom as planned.

Homeless Committee proposal comments, support proposed changes to proposal, Richie came to CALC and listened to concerns voiced in that meeting, and was responsive. Thanks to Richie for listening. We want to make sure that homeless populations are included in the group. There is incredible organizing being done by the unhoused. We really need them on this committee to have the committee reflect their good work.

Ally Valkerie

Comments are on homeless committee, wants it to be a commission, disappointed that it is not, nine member committee with no homeless representation, element of experience that will be lacking without their voice. I recommend 12 members, currently homeless person, a parent with a child experiencing homeless, a formerly homeless person, we can make recommendations for great possible participants. The scope of work was too vague, wants the committee to happen, not what I want it to be but with the participation with homeless could be better.

Jean Stacey

Thrilled that HRC is looking at a commission or committee, unhoused people need to be represented, wants to move toward commission versus committee. Divide recommendation number 2 into “prevent homelessness” and sort out the issue of “protecting rights”. Tickets are very expensive and are being issued for sleeping in parks, leaning on buildings, standing next to your bed roll, drinking from a glass bottle, etc. Eric Tars volunteered to do a free job and has not been taken up on it. Thrilled you are taking it seriously, thank you Richie for coming to the meeting and hearing from us.

Comment Submitted without Testimony

Walker T. Ryan

wtryan@gmail.com

Concerned about the need to fast track houseless issues for humanitarian reasons

5. Agenda

Richie moves to approve as is, Denise seconds, unanimous

6. Homelessness Committee Recommendations

Linda Hamilton

Motion: 11 member committee including representation from at least 2 people who are or have experienced being unhoused.

Richie Weinman

Second

Discussion

No limiting language, don't make limits of minimums or maximums for representation, being currently unhoused and previous experience both seem valuable

Motion stands:

Vote: unanimous yes

Meeting Frequency

Ken proposes biweekly meetings for the first 120 days and then at least nine times a year after that once per month while council is in session.

Richie second

Vote: Unanimous yes

Other Impacts: Human Rights Commission to discontinue Homelessness Work Group in favor of representation on collaboration with this committee.

Ken recommends that this item be pulled off the recommendations, and make the homelessness work group part of broader discussion during work planning of all the work groups

Richie is open to the idea but could go either way, seconds

Chris thinks that the work group should step back once the other group is up and running

Denise understands that once the commission is going there should be no duplication of work

Friendly amendment, let the group get up and running and then disband to make sure there is no duplication of work

Iva, capacity issues to keep all the bodies running and that its there to give the group the blessing of the HRC and let them go and let the HRC move on to other issues that aren't being worked on

Vote: Unanimous yes

Richie: move to approve with amendments, Chris Nunes seconds

Vote: Unanimous, yes

7. Washington Jefferson Park skate park presentation
Neil Bjorkland and Emily Proudfoot (City Staff)

Want to make the park safe and fun and effective for everyone, there are a constellation of issues putting a new use in that park.

Because it is covered and lit it will provide a year round recreation opportunity

1990 study also recommended Washington/Jefferson for a covered skate park

2006 petitions from skate community to locate in Washington/Jefferson

Public outreach conducted with help from consultant Dreamland

2010 safety strategy developed, not about keeping people from sleeping in the park, about criminal behavior

2013 in the middle of the 6 month fundraising campaign Eugene Parks Foundation, Eugene Downtown Rotary, LCHAY,

2013 summer construction, 2013 fall opening

ODOT owns the land and is enthusiastic, COE leases it from the State and is looking to establish new lease

Economic benefits

Safety improvements

Different skill levels of skaters

Public Safety Strategy came out of partner concern, included broad participation from differing view points

Park watch is a new EPD program, doing specifically targeted loops around parks where there tends to be high levels of criminal activity, this park will be added to that circuit

Sight lines were designed to improve safety, restroom improvements, access for emergency vehicles

Programming classes and events to keep activity level high

Volunteers is parks system, working towards developing neighborhood participation, graffiti abatement, picking up litter, etc. Lots of eyes on the park, keeping it positive.

Attracting vendors for food and skateboard equipment.

Outreach within 6-8 weeks a newsletter or postcard will be mailed out in Spanish and English to all residents and property owners in the area about what is happening in the skatepark with links and contact numbers. Include FAQ's etc.

Neil pulling together a staff group to talk about social issues and create a path forward for those concerns. In particular connecting with the Crossfire group so that service provision of meals is not interrupted. Temporary restrooms are also being considered during the construction phase.

Ken concerned about the illegal activities that are basic life sustaining activities and the differentiation. If the skate park is successful in changing the activities etc. where is this activity likely to shift?

Neil: some of the dynamics are understood, cover, proximity to river, connecting to 6th and 7th corridor, convenience store proximity. Differing opinions have been expressed, some will stay put, the first place is that they will move more toward the river corridor. The park system is going to be dealing with these issues regardless of this. It used to be that there were only a few parks affected by threatening activities, most parks now are affected.

The lay of the land has changed, less jail beds, less treatment, until these gaps are filled these issues will show up in the park.

Iva concerned about the term "unsavory element" they might be our friends, sisters, I would suggest that you would take that language out of the presentation.

Neil responded that "threatening criminal behavior" was the intent, not the unhoused, etc.

8. Commissioner Updates

Ken: IHRD went really well, about 125 people attend, good comments, 4 youth awards went out, thanks to staff

Chris: video was great, thanks to team that created the video and participants

Andrew: send link of video to him, at the Accessibility Advisory Group meeting, discussed disaster preparedness, particularly for vulnerable populations. Anyone who has ideas for strategies to help vulnerable populations during disasters can send recommendations to staff or Andrew to pass along

Iva: First Thursday of each month at noon, International Day of Peace Planning going on, encourage participation, thanks to those who participated

Linda: Diversity in the Workplace, Pioneer Pacific College presentation, they were really engaging, and another presentation at St. Peters their church was

talking about missions, they want to be more aware about racism, treat other people like you want to be treated. Police Commission has a big discussion coming up on Policy Screening Committee policy around asking for social security cards.

Denise: thanks for being patient while I recover

Richie: spoke to the HIV alliance today, spoke about the Human Rights Commission

Toni: gave out staff awards on December 10 at Public Works, which is a different venue than in the past. Videos shown. HRC IHRD was great with LCNII. Felt that the full commission support for events is really important to support each other.

9. Martin Luther King Jr. Award:

Toni motion that we will not accept the late ballots, Chris seconded, unanimously passed

Iva, is there only one award? I think there are both young people and adult who should be recognized. I think in the future we should consider doing both. Is it possible to do two?

Linda, considerations for time for acceptance speeches, etc.

Flag for future, consider youth award.

Emilio Hernandez, Carla Gary, Tom Ball chosen for award:

10. Chair Nominations, Liaison Assignments

Vice Chair: nominations Andrew Thomson, Linda Hamilton (declined)

Chair: nominations Toni

We affirm that Toni Gyatso will serve as our chair and Andrew Thomson will serve as our vice chair.

Liaison Assignments:

Accessibility Advisory Committee: Andrew Thomson

Police Commission: Linda Hamilton, Toni willing to be backup

Civilian Review Board: Denise Greiwisch

CDBG: Chris is primary Ken is backup

EHRB: Iva and Richie